

Meeting of 2002-6-11 REGULAR MEETING

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JUNE 11, 2002 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
 John Vincent, City Attorney
 Brenda Smith, City Clerk
 LTC Anthony Puckett, Fort Sill Liaison

The meeting was called to order at 6:00 p.m. by Mayor Powell. Invocation was given by Pastor John Butler, Beal Heights Presbyterian Church, followed by the Pledge of Allegiance. Notice of meeting and agenda were posted on the City Hall notice board as required by law.

ROLL CALL

PRESENT: Randy Bass, Ward One
 James Hanna, Ward Two
 Glenn Devine, Ward Three
 Amy Ewing-Holmstrom, Ward Four
 Robert Shanklin, Ward Five
 Barbara Moeller, Ward Six
 Stanley Haywood, Ward Seven
 Michael Baxter, Ward Eight

ABSENT: None.

Mayor Powell welcomed the Leadership Lawton Class in attendance.

AUDIENCE PARTICIPATION: None.

PRESENTATION OF CITIZEN OF THE MONTH AWARD TO ELIZABETH MORRIS

Edwina Reddick-Scott, Mayor's Commission on the Status of Women, introduced Elizabeth Morris as Citizen of the Month for June. Morris has lived in Lawton since 1968, she serves as President of Board of Directors of the Robert E. Greiner School for the Handicapped, and as President of the Board of Directors of Roadback, Inc. She is a member and officer of the Daughters of the American Revolution and very actively involved in their activities, as well as the Centenary United Methodist Church, including serving a week at their summer camp for children whose parents are incarcerated, and at other camps. Through the Methodist Conference she has participated in foreign mission trips. Morris is a member of the Oklahoma Home and Community Education group; Morris is retired from the Lawton Public Schools after 22 years and currently teaches at St. Mary's School. She is married to Kent Morris, a Cameron University math professor, and has raised two daughters. As her daughters were growing up, Mrs. Morris was very actively involved with the Camp Fire Girls and has given of her time, expertise, and financial resources to many community organizations, making a positive difference in the lives of many children and adults. Mayor Powell presented awards from Congressman Watts, the Oklahoma House of Representatives and the Oklahoma Senate, and commended Mrs. Morris for serving her community in this manner. Morris expressed appreciation for the award, stating she has lived here for 30 years and is interested in what happens. She said she moved here from El Reno and they were on their way to Las Vegas but decided to move here instead as her husband got a job at Cameron University and that she loves the community.

CONSENT AGENDA :

Separate consideration was requested for Items 5, 11 and 12.

MOVED by Moeller, SECOND by Hanna, to approve the Consent Agenda items as recommended excluding Items 5, 11 and 12. AYE: Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for denial: Betty J. Collier and Vanessa Altidor. Exhibits: Legal Opinion/Recommendation. Action: Denial of claims.

2. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for claims which are over \$400.00: Kenny Brown; Lawanna and Matthew Franklin; Lee and Marie Venturella; Darren and Bonnie Attebery; Southwestern Bell Telephone (2); Ronald and Dana Wheeler. Exhibits: Legal Opinion/Recommendation. (Six resolutions on file in City Clerk's Office) Venturella - \$81.00

(Title) Resolution No. 02-88

A resolution authorizing and directing the City Attorney to assist Kenny Brown in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Five Hundred Forty Dollars and 00/100 (\$540.00).

(Title) Resolution No. 02-89

A resolution authorizing and directing the City Attorney to assist Lawanna and Matthew Franklin in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Nine Hundred Eighty-Five Dollars and 74/100 (\$985.74).

(Title) Resolution No. 02-90

A resolution authorizing and directing the City Attorney to assist Darren S. and Bonnie Sue Attebery in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Five Hundred Twenty-Eight Dollars and 23/100 (\$528.23).

(Title) Resolution No. 02-91

A resolution authorizing and directing the City Attorney to assist Southwestern Bell Telephone Company in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Five Hundred Ninety-Nine Dollars and 12/100 (\$599.12).

(Title) Resolution No. 02-92

A resolution authorizing and directing the City Attorney to assist Southwestern Bell Telephone Company in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of One Thousand One Hundred Eighty-Three Dollars and 05/100 (\$1,183.05).

(Title) Resolution No. 02-93

A resolution authorizing and directing the City Attorney to assist Ronald and Dana L. Wheeler in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of Five Hundred Fifteen Dollars and 84/100 (\$515.84).

3. Consider ratifying the action of the City Manager and City Attorney in not appealing the Workers' Compensation case of Diane Lee Jones in the Workers' Compensation Court, Case No. 2001-01266A. Exhibits: None. Action: Approval of award of \$12,087.00.

4. Consider approving the purchase of the property located at 1101 NW 51st Street, Lawton, Oklahoma, and authorize the Mayor and City Clerk to execute the Contract for Sale of Real Property. Exhibits: None. Action: Approval. Owner: Michael J. and Trijeanna J. Miller; price - \$116,000.00.

5. Consider authorizing an additional Resolution of Necessity for real property acquisition for the SE Flower Mound Road (Lee to Gore) Project #2001-12. Exhibits: None.

Vincent said the correct project number is 2001-2. He recommended approval of the item.

MOVED by Hanna, SECOND by Bass, to approve Resolution No. 02-94. AYE: Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna. NAY: None. MOTION CARRIED.

(Title) Resolution No. 02-94

A resolution declaring the necessity for acquiring and owning real property, permanent and temporary easements and rights-of-way to certain property described in Exhibit "A" attached hereto, which is a supplement to Resolution No. 02-46 adopted April 9, 2002, for the purpose of the SE Flower Mound Road (Lee to Gore) Project #2001-2; authorizing and directing the City Manager to attempt to acquire said property by purchase and settlement of damages; and authorizing the City Attorney to acquire the property by condemnation proceedings if it cannot be purchased.

6. Consider approving plans and specifications for the McMahon Park/Grandview Sports Complex Parking

Improvements Project #2002-9 and authorizing staff to advertise for bids. Exhibits: None. Action: Approval; Funding Source: McMahon Foundation Grant.

7. Consider adopting a resolution setting the E-911 fee for the period July 1, 2002, through June 30, 2003. Exhibits: Resolution No. 02-95.

(Title) Resolution No. 02-95

A resolution levying an emergency telephone notification fee, providing for a rate of such fee, and providing for an effective date. (Fee is 5% from July 1, 2002 to June 30, 2003.)

8. Consider accepting a grant from the Oklahoma Department of Human Services for the Retired and Senior Volunteer Program (RSVP) for fiscal year 2002-2003 funding. Exhibits: None. Action: Approval; grant amount is \$20,012.

9. Consider approving a renewal agreement between the City of Lawton and the Marie Detty Youth and Family Service Center, Inc. for the continued operation and management of a Community Intervention Center in Lawton and authorize execution of the renewal agreement and any associated documents. Exhibits: Agreement. Action: Approval.

10. Consider approving annual contract renewals between the City of Lawton and the following: County Commissioners (re: Juvenile Detention Center); Department of Corrections (re: temporary housing of prisoners in city jail); J. Roy Dunning (re: children's shelter); and Roadback (re: Detoxification Center); Lawton Crimestoppers, Inc. (re: funds from sale of property in police custody). Exhibits: None. Action: Approval.

11. Consider approving the Release of Lien between the City of Lawton (Lender) and Vanona Smith and Henry Smith, participants of the CDBG program (Borrowers) and authorize the Mayor and City Clerk to execute the documents. Exhibits: None. (see action below)

12. Consider approving the Releases of Mortgage between the City of Lawton (Lender) and the following participants of the CDBG and/or HOME Program (Borrowers): McCurley, Josey, Ramirez, Knight and Bridwell, and authorize the Mayor and City Clerk to execute the documents. Exhibits: None.

Haywood requested to be excused from voting on Items 11 and 12.

MOVED by Baxter. SECOND by Bass, to approve Items 11 and 12 as recommended. AYE: Ewing-Holmstrom, Shanklin, Moeller, Baxter, Bass, Hanna, Devine. NAY: None. ABSTAIN: Haywood. MOTION CARRIED.

13. Consider adopting a resolution declaring that Ninety Percent (90%) of the budgeted and appropriated revenues for fiscal year 2001-2002 have been collected for the General Fund. Exhibits: Revenue Report 5/31/02; Resolution No. 02-96.

(Title) Resolution No. 02-96

A resolution declaring that Ninety Percent (90%) of the budgeted and appropriated revenues have been collected for the General Fund.

14. Consider approving the following contract extensions: A) Mowing and Littler Control with Beaver Creek Tractor Service, Wayne W. Harris, Service One Janitorial; B) HVAC Services with Carrier Commercial Services; C) Automatic Transmission Repair with K-Co Inc. DBA Mr. Transmission; D) Hydraulic Pump and Cylinder Repair with Hannon Hydraulics; E) E-911 Equipment and Support Services with SBC Southwestern Bell. Exhibits: None. Action: Approval.

15. Consider approval of appointments to boards and commissions. Exhibits: Memorandum.

McMahon Auditorium Authority: David F. Sandstrom, Term: 6/30/01 to 6/30/04
Commission on the Status of Women: Loveta Matthys, Ward 8, Term: 3/14/02 to 3/14/04

16. Consider approval of payroll for the period of May 27 through June 9, 2002.

17. Consider approval of Minutes of Lawton City Council Meetings of May 21, 23, 28 & June 3, 2002.

BUSINESS ITEMS:

18. Hold a public hearing on the Proposed Budget for the fiscal year July 1, 2002 through June 30, 2003. Exhibits: None.

Baker said Oklahoma statutes require that the City hold a public hearing on the budget no later than 15 days

before the beginning of the fiscal year, which is July 1, and stipulates that at the public hearing any person may present comments, recommendations or information on any part of the proposed budget.

PUBLIC HEARING OPENED.

Denise Flusche, 7604 Willow Creek, Library employee and EAC representative, said she wanted to address the plight of the general employees with some additional information that was not given last night; it is not right to balance the budget on the backs of the general employees. She said two members mentioned last night that the budget has increased greatly from ten years ago and Shanklin asked what it would be like in ten more years at this rate. Flusche said to Shanklin that the budget will be greatly increased in the next ten years even if you do not give the general employees one cent; nothing stays the same in the economy, prices always increase and never go down for any lengthy period of time. She said she was sure the members' pay, expenses, the rents you charge if you are a landlord, your house prices all have increased; the City is no different; supplies, vehicles, gas, electricity, books and tractors are just some of the costs that will rise even when the City takes low bids; it is inevitable and to a certain extent, uncontrollable. She gave prices increases on hardback and paperback books over the last several years.

Flusche said cost of living increases for employees is not a raise as was stated last night; it is an increase to provide the employee the same purchasing power that he had last year, when prices go up, the cost of living COLA allows the person to buy the same items they did the previous year. She said when you do not give employees a cost of living, you are giving them a pay cut because they will not be able to fund the expenses they paid for the previous year. Flusche said if you add freezes or deletion of longevity and sick pay to a loss of COLA, you are severely cutting purchasing power of the employees who receive those benefits.

Flusche said two of the members stated last night they would have no problem supporting a general employee union and she found that very sad and failed to understand why Council could not support them unless they were paying union dues and Council was dealing with a union rep. She said all they want is a 3% cost of living, not a raise, and the benefits to remain in tact, and she doubted a union would be so agreeable.

Flusche said over the past ten years the City has not only increased its costs, it has also continuously increased services. There are nine internet computers and two word processors at the Library that were not there ten years ago. She said the Council wants more services for the public without incurring any additional cost, and members asked last night where they could get the money to pay the employees. Flusche said she had several ideas and most employees could provide ideas if Council was open to listen. She suggested charges be initiated for some services that are above and beyond the normal; two examples are the interlibrary loan service and internet usage at the Library. They get books for patrons at no cost to them; cost to the City includes staff time to process the request and postage to return the item to the lending library. The minimum cost of postage now for one item is \$1.26 and it will go to \$1.35 at the end of June, and that is for just one item. Postage costs of \$60 to \$70 per week are not unusual. Flusche suggested charging those who participate in the internet at the Library. Maintaining the computers uses staff time plus connection costs. All of these amounts, even if they are small, would add up after probably only a short time.

Flusche said she knew Council was looking into rectifying the water rates, and hopefully all residents, water districts and large and small businesses will be footing their fair share of the expenses. She said the general employees and the Council have a relationship; we are in this together, to serve the public the best way we can; we are not adversaries. Flusche said the Council has a moral responsibility to provide adequately for those who work for them, just as the employees have one to do the job the best way possible. She asked that Council remember that the people are the greatest asset, and you can have all the buildings, infrastructure, vehicles and supplies you want, but without the staff, it is nothing. Flusche urged that Council stop treating general employees as undesirable step children and start treating them as the valuable resource that they are.

Mayor Powell asked if Flusche had ever passed on the suggestions to the Library Director or City Manager about charging for those services. Flusche said no. Mayor Powell said you must remember that they are lay persons, and all of them have jobs, and do not have the expertise to know everything that is being done at the Library, or he did not, and that he supported the Library, and we need that input before the budget starts. He said he felt they would agree there should be a charge for the services Flusche mentioned.

Flusche said after the meeting last night, she got three or four ideas from the City employees. She said she did not know how they were supposed to be given to the Council. Mayor Powell said there is no problem with anything else being given to them and asked that the good ideas also be shared with them. Flusche said general employees are never considered at the beginning, always at the end, but the fire and police are considered first and then the general employees are the bottom. She said the EAC tried to start early this year to get their ideas but they were not considered or whatever and we are now back to the same thing we are every year when the general employees are the mop up; whatever you need, you take from them, and that is not the way it should be, you should consider all of the employee groups at the beginning and provide for them then.

Anthony Burrow said he lives west of Elgin and is a general employee; at last night's meeting Mr. Baker presented

a document containing a summary of increases in the salaries over the past five years from the three employee groups, along with the comparison to the Consumer Price Index. Upon receipt of this document, members of the Council made some statements concerning the COLAs, it was Councilman Shanklin who voiced the numbers and then turned to the general employees, who had filled the Council Chambers last night, and asked them a question, "don't you think this is fair?" He said he would like to answer the question.

Shanklin said "first of all, you are not to use my name, you can address this Council, but the rest of you, I am entitled to my opinion as you are yours, so if you want to make me the scape goat, do it, I still got to vote yeah or nay, well, I'm sick of it, if it makes you feel good to pick on me, go ahead, I can handle you." Mayor Powell said from this point forward, address the Council, and respect one another. Shanklin said he had supported the general employees more than anybody who had ever sat on the Council floor but there is a limit and he would not raise water until it was fifty cents a glass.

Burrow said he would like to answer Council's question last night. First, we need the facts, the cost of living adjustment, the COLA, and that alone, is what is to be compared to the Consumer Price Index, and not the COLA plus the periodic pay increases or the merit increase, as set forth in both Section 17-1-4-134 and 136. The question Council asked the general employees last night pertained to a 26% increase, the COLA plus the merit increase, and not the COLA alone. Burrow said he would answer the question, yes, a 26% COLA when compared to a 21% Consumer Price Index would be more than fair, if the 26% were in deed the true COLA.

Burrow said the COLA for the general employee group is listed on the hand out that Baker gave out last night is listed at 13.5% for the five-year period. This figure includes a 2.5% increase shown as effective December 1999, which was due to a pay plan adjustment that was not uniform and across the board as listed in the City Code, nor was it in effect for the full year. He said Vincent recited the entire section of the Lawton City Code that pertains to the cost of living adjustment, he felt it was not necessary for Council to hear it again, but with permission, repeated the portion of the article separating the COLA from the merit increase: "Such cost of living changes should be made by a percentage or across the board, uniformly, to every grade set out in the City pay plan, and should not involve any changes in pay grade, in the grades of positions or the steps at which employees are paid."

Burrow said in separating these two articles and in order to give due recognition to the whole body of the City employees, he read from the article pertaining to the periodic pay increases for the merit increase: "These periodic pay increases are intended to recognize the increased value of the employee to the City as the employee gains experience and to reward meritorious performance. These periodic pay increases shall not be given in lieu of periodic cost of living increases provided elsewhere in this article."

Burrow said the actual COLA received by the general employee group was not 26%, but merely 11% over the past five years. Mayor Powell said a combination of the two is 26% and he had asked for the print out and has it in his hand right now, these are facts, the combination of the two, and asked that Burrow make his point. Burrow said the combination of the COLA and merit increases was 26%. Mayor Powell said that was correct. Burrow said that was correct, but the COLA was 11%, so in answering the question, no, an 11% COLA when compared to a 21% Consumer Price Index is not fair at all.

Burrow said in conclusion, the attitude of the Council... Mayor Powell said to be careful where you are going. Burrow continued by stating, as perceived by the employees who attended the meeting last night, it wounded our morale, you have broken our spiri. Burrow said on his way home last night he was talking to my six year old son about fighting for what you believe in and that was what he intended to do and this speech was the beginning.

Dave Truitt, 108 SE Berkshire Way, said Council has heard what a merit increase is, as well as what a cost of living adjustment truly is according to the policy of the City of Lawton, and the citizens, Council and employees need to abide by those policies. He said he had called people who had been very busy helping upper level staff to get the numbers so it was hard to get adequate information, but in talking to past EAC members and trying to come up with a memory, fire and police had an increase from 1984 to 1996 of somewhere in the neighborhood of 49%, but it is unclear as to whether that is COLA and merit or just COLA or just merit. General employees during that same time frame, 1994 to 1996, had received approximately 3%. The Consumer Price Index over that same period averaged 2.5%, which is a 30% increase over the cost of living. The inequity is obvious. Truitt said it was his understanding that merit and COLA increases will be budgeted in the 2002-2003 year for some employee groups; the inequity should stop immediately, the increase that is budgeted under contract is going to greatly increase the inequity between these same employee groups. He asked the Council to make up the inequity and to budget the true cost of living and to budget not only the inequity of the employee groups but to stop it from existing completely to bring unity and cooperation among all employees.

Truitt said some of the ideas that had crossed his mind, and this has been presented to management although he did not know how far it went up because policy says it goes to the immediate supervisors and who knows where from there, the shortfall is the result of not budgeting over the past number of years the Consumer Price Index minimally in the services and fees that the City provides to the citizens. This service is to the citizens and should not be paid for by the employees of any group. The Consumer Price Index over the past five years was, by the

numbers reported last evening, 20.7%. This percentage, if added to all the fees and services, would more than pay for the shortfall in the budget presentation of \$3 million easily; the increase in the budget is also from the added services imposed without funding the service. Example, unfunded regulations imposed by state and federal agencies, the Clean Air Act for example. Last evening it was mentioned that chemicals were budgeted at a very expensive added cost and it was recommended by staff that it would not be enough money to cover the cost, but it was held at a minimum. This was not anticipated; it was imposed upon the budget. The Clean Water Act has also done the same thing for nearly all divisions.

Truitt said the Council has allowed for citizens to encroach on easements; the result is it increases the cost of performance of doing the job and at the same time, slowing productivity. Examples, a beautiful brick mailbox in someone's front yard is aesthetically pleasing, however, if it is built over a water main that needs to be replaced, it has been directed by management to replace that at no cost to the citizen which is not in accordance with the City policy. We have also encountered fences in easements, encroachments of landscaping, sprinkler systems, even buildings and homes built on easements that increase the cost in repair and maintenance of sewer lines, water lines and access even for storm drainage. The City government has installed infrastructure for some businesses without reimbursement, a direct disagreement against the City policies that were previously approved by Council.

Truitt said the use of lighted ball parks, code administration services offered to the citizens, planning services, infrastructure services, solid waste services and others provided at the request of upper management and Council at little or no cost to those receiving that benefit; for example, the City policy states there are to be two containers of a given size set within four feet of the curb to be picked up by Refuse Collection. It is mandated to them to pick up anything and everything by the curb, against the City policy. This costs money.

Truitt said the owners of vacant housing units that receive credit on their revenue collection bills that includes all the services of the bill, not just water. Mayor Powell asked that speakers not be redundant and cover again those things that have already been brought to Council's attention.

Truitt said fees should be charged to those receiving the services to cover the cost, plus a representative portion in business is called a profit so that the business of the City of Lawton may continue in business and the fees should be adjusted regularly according to no less than the Consumer Price Index. Services should be paid for by the consumer; the employees and their families ought not be required to carry this deficit. Truitt asked Council to budget a make up to the employee groups for the inequities that have existed since at least 1984, to budget the true cost of living and to charge the appropriate, fair and equitable fees for all services rendered by the City to its consumer, the citizens, and even others who are not citizens of Lawton.

Jill Aitson, 2419 NW 42nd St., said she represents Clerical 1 on the EAC. She said quality of life in the City is very important to Council, and employees help provide that quality of life. The Lawton population according to the 1990 census was 80,561 and the 2000 census was 97,757, or an increase of 12,196 citizens. The number of employees in the 1992-93 adopted budget was 724; the number of proposed employees in the 2002-2003 budget is 751 and 49 of them are from four divisions that were added by Council and are self-funded, which brings the total number of proposed employees back to 742, which is an increase of 22 employees over a ten year period. Aitson said you want to provide a good quality of service to citizens and the employees are all for that, but only 22 total employees were added in ten years during which time the population increased 12,196.

Jeannie Wheeler, 1432 NW 22nd St., said she was not representing the EAC but was speaking only for herself and that she works for the Parks & Recreation Department. She said she agreed there are things that can be cut from the budget and things that can be charged for just in park services; we give away our pavillions, we let weddings happen, she paid \$300 for her child to have a wedding in a park in Oklahoma City for one hour, but we let them do this free here. We do not charge anything for the pavillions; when people call to reserve them, they ask how much it is and they cannot believe it is free. We are a very giving community, and that is wonderful, but we might have to stop giving somewhere and charge at least a nominal fee for what it costs to clean up those parks because the users do not always take their trash or leave it a nice place for someone else; some times repairs have to be made, which she pays the bills for.

Wheeler said some times things have to be given up to balance budgets but you must consider the priorities in doing that. She said cutting longevity would mean asking a few to give up a lot to them. Wheeler said she would give up the COLA to be able to keep the 89 employees who are on the list now for not having a job. She said if general employees were not given a COLA, it would be \$436,024 on 513 employees; if fire and police did the same, it would probably almost double. Wheeler said longevity is \$548,253. She said she did not object to the water bill being raised and her bill is only \$30 per month which is low. Wheeler said she thought the citizens would understand a small rate increase and that the employees will give up things, they have done so before and would do so again. She compared her working experiences here to those while she worked for the federal government.

John Thomas, 113 SE Sungate Boulevard, said he was asked last night what he would do to balance the budget. He said a consultant did a water study; the budget projects water revenue at \$13,000,500. The water rate study shows a 13% increase overall based on what he received. He said there are 30,160 accounts to his knowledge, and it

includes the vacancies, and we have agreed there is a \$3.1 million deficit. Thomas said based on assumptions and the water study information that was in the paper, and for the record, he was not a mathematician, but taking the \$13,000,500 that was projected for the water revenue times 0.13, which is an increase overall from the water study, that gives \$1,755,000, if you implement the water study. He said there would be a balance of \$1,345,000 still in the red. Thomas said if you divide the \$1,345,000 by 30,160 times 12 months, that gives you an increase per month per account at \$3.72. He said he was told the water study reduced the average resident's bill by 6%, or 90 cents, and you may need to check the figures, but from the \$3.72 subtracting 90 cents, you have \$2.82 net increase per month for each resident, and that would be a balanced budget.

Derall Paulk, 4012 SW Hickory Lane, said he retired six years ago from Oklahoma City and moved to Lawton and he loves it and picked this city based on the benefit package alone. He said the money was about 40% less than what he made but he likes it here. Paulk said his son was looking at joining the service and was considering the air force because of the extra benefits they have. He said our benefit package is shown on the web page and it is codified in all the codes, it is explained in the manual you are given when you come in as a new employee. Paulk said he hoped they would take into consideration that it was a great portion to many employees, especially as they age and depend on it.

PUBLIC HEARING CLOSED.

Mayor Powell said on Thursday, June 13 at 5:00 p.m. the Council would hold a special meeting budget workshop. Hanna said he would be out of town and he had been planning it for quite some time.

Baker said everyone who spoke this evening did a very good job, made some good points, but wanted to make a correction because someone stated he did not forward the EAC recommendation to the Council. He said he did send it with a transmittal memo, he covered it during his presentation to Council, and he also asked that the Mayor allow Mr. Thomas to make a presentation so he did not hold that information back from the City Council.

19. Consider approving an agreement between the City of Lawton and Independent School District No. 8 of Comanche County for a pedestrian access study for the new Central Junior High School facility. Exhibits: Agreement for a pedestrian access study.

Jerry Ihler, Public Works Director, said in March 2000 as part of the CIP approved by the voters the participating in construction of the new Central Junior High. This amends that agreement and asks for a cost share agreement for a pedestrian access study for access for students coming to the new Central Junior High. It is on a 50-50 cost share basis; total cost of the study is \$7,500. The agreement has been approved by the Lawton Public School Board and the next companion item allows for award of a contract.

MOVED by Shanklin, SECOND by Haywood, to approve the agreement. AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

20. Consider approving a contract with Traffic Engineering Consultants, Inc. for professional engineering services for the Central Junior High Pedestrian Access Project #2002-17 and identifying a funding source. Exhibits: None.

Ihler said this is the companion item for award of the contract to the firm of Traffic Engineering Consultants, Inc. from Oklahoma City, in the amount of \$7,500 as discussed in the previous item.

MOVED by Shanklin, SECOND by Haywood, to award the contract. AYE: Moeller, Haywood, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

21. Consider approving an agreement with Comanche County for Emergency Management services to the City of Lawton. Exhibits: Proposed Agreement.

Bart Hadley, Fire Chief, said the first item deals with the City entering into its own emergency management service and that Council was familiar with discussions in this regard.

Hanna asked if we are breaking away from the County and having our own emergency management center. Hadley said that is what this is about and staff was seeking Council direction. Hanna asked if the City and County would duplicate equipment and costs and be vying for the same funding from the State. Hadley said Lawton would have its own emergency management plan and center. Hanna said he understood that but wanted to know if we would be fighting for the same amount of money we have been sharing. Hadley said Lawton would be able to apply for money just like the county has done, and it is not an either or situation, we would not be fighting over the same money and splitting up the pie between the two of us.

Hanna said he received a call from one of the County Commissioners who indicated Lawton would be trying to get a portion of their funding and it would eventually hurt both groups because the money would be split between two entities instead of making one run better. Hadley said that was not his understanding; there are 40 or 60 different

communities that have their own emergency operations plan; some counties and cities operate within the same jurisdiction with separate emergency management operations and it seems to be a trend that most cities are going toward that.

Ewing-Holmstrom asked if more money is available since 9/11 and money available for cities and counties and grant programs. Hadley said yes, the money Hanna was referring to was the on-going funding that was available prior to 9/11 under normal conditions through FEMA, and it is our belief that additional grant money will be available. Hadley said the Council needs to be aware that if we do separate and want to have a better level of emergency management than what we have had in the past, additional funds will be required. Mayor Powell said Suzanne Hogan sent information in this regard and he forwarded it to the City Manager.

Moeller asked for further explanation about the separation of responsibilities. Hadley said the EOP Committee developed an Emergency Operation Plan for the City and there is an item to adopt it tonight. Hadley said the committee in general feels that moving into a separate plan and center gives us better control, we have better accountability for when things do not go right we are better able to correct those situations than with the current situation.

Mayor Powell said this started with a committee that Baxter chaired, then it proceeded to a higher level and Baxter asked to be removed from it, and names were added and the Council approved that committee that put this plan together; many were by position or title, but Council approved that body which has asked that this contract be denied and the next item be approved.

Moeller asked if that would mean the Fire Chief would be designated as the emergency management coordinator. Mayor Powell said no. Baker said if Council does not renew the contract with the county, we would propose as part of the budget process that we take the \$30,000, plus the \$15,000 we anticipate getting from the state, and establish an Emergency Management Coordinator staff position for the City and that individual would work either for the City Manager or for the Fire Chief. Baker said if the contract is not renewed, we will need someone to coordinate all of those activities for the city, and it will be more and more important since 9/11; we expect there will be large sums of money coming out of Washington, D.C. One of the primary duties of the coordinator would be to prepare grant applications for those funds and try to get more money into the city to go toward this effort.

Moeller asked if the sirens would be under the City's control as to when they would be sounded. Baker said yes. Mayor Powell said they are now.

Baxter said the committee did a lot of good work while he was the chairman, additional sirens were put in, and this item has come up a few times during the meetings. He said the EMAC Committee recommended it be approved.

MOVED by Baxter, SECOND by Devine, to not renew the contract with Comanche County and instead utilize the \$30,000 to fund the hiring of the City's emergency management coordinator.

Shanklin asked when our friendship with the county deteriorated to the point that we want to get rid of our co-existence. Ewing-Holmstrom said she did not think it was that, but that we needed to be more aggressive getting grant money, it is not about deterioration in the relationship. Shanklin said this is kind of like mass transit; if you think \$30,000 is all this is going to cost, you are mistaken. Hanna said he was told it was a deterioration. Shanklin asked what caused it. Hanna said he understood there were hard feelings between county and city workers and no cooperation, and that was what he was told.

Hadley said he has worked closely with the county in the past and with everyone on the EMAC Committee, and the County Emergency Management Director is a member and he does a good job. He said he had not seen any deterioration of any turf wars; the City staff feels we would be in a better position to control emergency management functions within the City, we have better accountability, will be better able to correct problems if there are any, and we do not feel we have that much control now over how things improve. Hanna said he is hearing two sides of a story and he was told the problem would be corrected on the other side.

Gail Turner, Eastern District County Commissioner, said he appreciated the concern and whichever decision is made, the County will give full support and help because we all work for the same taxpayers and same citizens, and he knew of no complications. He said they were glad to help and they appreciated the City's assistance. Haywood asked for Turner's recommendation. Shanklin said he was not through.

Shanklin asked if it will be \$30,000 or \$130,000 and will they have to have a pick up or vehicle or secretary and will the Council be spoon fed that at each meeting until these things are put forth; what will be the cost of this official ultimately. Hadley said he believed there would be substantial additional cost and one of the persons jobs will be to identify grants to help build that division so we can improve the emergency management services we provide to the citizens of Lawton. Hadley said if we are satisfied with the level of emergency management that we have and do not wish to improve, then the same level of funding, except for cost of living, is probably all that would be required. Shanklin said he hated to see us get in a confrontation with the County, and that is what it is leading

to, and he could not support it not knowing any more about it than he did, and those who served on the committee could share their knowledge and he did not know who we were mad at.

Mayor Powell said as far as "mad at", he did not know that anyone was made at anyone else and he had attended meetings, Chief Hadley and Gail Turner had attended and he knew of no one being mad. He said the County Commissioners, Sheriff or his representative have been there, County officials, and the City's key people, Jerry Ihler, the Police and Fire Chief, and those people who would be involved if we had to respond to an incident, and he had not seen anyone be mad at anyone else. Shanklin asked why we were pulling away from them and wanted a good reason. Mayor Powell said to look at the existing emergency management book and see how many pages there are on terrorism.

Hanna said the statements were that Lawton could have better quality but why not have both sides work at having a better quality. Hadley said we have a good working relationship but we do not have the authority or the accountability from the other end with another jurisdiction like that where it is the City staff's position we do have that authority and accountability. Hanna said the County Commissioners could help and Hadley agreed. Hadley said he thought a lot of the arguments that were brought forth from the County residents on E911 could probably be accurate on this particular issue as well in that if we have an EOC and the County has an EOC, if one of us has a problem, something happens, one is wiped out, we have a secondary place to go, they do as well, and that is one more reason.

Haywood said he served on the first emergency committee when Mr. Warren was the chair person at that time, and he asked for Turner's recommendation. Turner said he would be glad to give up the liability here, as he would have been on E911, and that it will cost much more than is shown, as did E911, so it depends on whether you are worried about the funding or about the control. Turner said if you are a business person, you worry about cost; if you are worried about control, you can have your own, if you are a business person, you would share the cost, so it depends on your perspective.

Moeller asked if grant funding is available to cover most of the additional costs over \$30,000. Hadley said grant money has been identified and more is anticipated, although he could not predict which grants we would actually get or want but he thought there would be money to help grow our emergency management function. Moeller asked if the coordinator had been allowed for in the budget. Baker said he mentioned in the preliminary budget that if Council does not renew this contract that he would like to use that funding for emergency management, plus if we can get the \$15,000 from the state. Mayor Powell said the \$30,000 is included in the budget. Moeller asked if any other costs would have to be paid through grants. Mayor Powell said Baker said there was \$15,000 from the state. Moeller said she was talking above and beyond this \$45,000. Baker said we would not ask for any more than \$30,000 in City funds to do this next year, and if we are successful in getting grant funds, any time this operation is expanded in the future it would require Council approval.

Baker said Council has looked at this many times and the direction staff has always received is to pursue having our own Emergency Operations Plan and EOC, so this has been talked about for a long time. He said no one is upset with anyone else but this discussion started after the Pecan Valley storm and several Council members voiced concerns about our emergency management program and preparedness in the City and that started this discussion and it has got to this point tonight. Baker said if Council desires to stay with a cooperative effort with the County, we will make it work and will work with Mr. Atkins and the County Commissioners and do what we can to make it a better program.

Shanklin asked if that was the incident where winds had to be 90 mph before the sirens would be sounded. Mayor Powell said that is not true any more but that was what was used prior to Pecan Valley but since that time it is 70 mph, but they were working under what they were given at that time.

Pat Culver, 2328 NW 76th Street, asked how the new system being discussed would be a major improvement over what we already have in place; what will it do that is so much better than what is in existence. He said he did not see where it would benefit the County and he thought Lawton was in Comanche County. Culver said he was not saying he was all for the County or all for the City but was asking what is this plan going to do that is so much better than what we have got.

Hanna asked if we have the equipment already or if it would have to be purchased. Hadley said the majority of what we will require for our Emergency Operation Center to begin operation has already been identified and in place and Mr. Wells is in charge of that section and he believed it was in place. Baxter asked if Wells agreed and Doug Wells said yes, we have the computers, phone lines and can be operational in an hour if we have to.

Baxter said in response to Culver's question, a lot of it has to do with chaos and it is not a matter of if but when a catastrophe happens in Lawton, whether it is right outside the City limits or in the middle of the City limits. He said he wants the City staff to be as best prepared as they can to take care of the problem if it is on the interstate or if it is on the railroad track that runs behind his place of business and there is a chemical spill, he wants his guys to take care of it immediately and properly.

Baker said if we have an emergency, a tornado or flood, the City Council will hold him responsible for our response to that emergency, and he felt he would be held personally responsible. He said he would be asked questions about the Fire Department, the Police Department and Public Works and why we did some things and not others, and right now, he did not have a lot of control, we are basically dependent upon the emergency management of the County to make some decisions and take some initiative. Baker said this is one way it would improve our responses.

Vincent said when they reviewed the County plan, after the Pecan Valley situation, there are legal deficiencies in the County plan and legal assumptions that are made that Lawton cannot comply with. He said one of the prime things is that the City Council must come together as an emergency action body, which is not provided for in the County plan, to provide funding mechanisms and pass emergency resolutions and we do not have that mechanism in the County structure right now, nor are there facilities available with the County to do that; we have the facilities available here. Vincent said the legal annex of the proposed City plan provides draft resolutions for immediate adoption should there be a catastrophe; we have legal programs, a dedicated laptop computer with the programs on it to be able to function immediately as a City government, whether it be at the proposed EOC or elsewhere if that is damaged.

VOTE ON MOTION: AYE: Baxter, Bass, Devine, Ewing-Holmstrom, Moeller. NAY: Hanna. ABSTAIN: Haywood, Shanklin. MOTION CARRIED. (Note: Haywood and Hanna passed on initial roll call.)

22. Consider approving the proposed City of Lawton Emergency Operations Plan. Exhibits: None.

Hadley said staff has put a great deal of effort into working on the Emergency Operations Plan. It will be a living document; the EMAC Committee has had a couple of months to review it and has held meetings and recommends approval. The document itself will continue to be worked on, there will be a lot of coordination and there are several working groups right now that are working on different sections within the plan, and that will continue and the plan will continue to evolve, and we will never be completely finished with it.

MOVED by Baxter, SECOND by Devine, to recommend approval of the proposed City of Lawton Emergency Operations Plan.

Shanklin asked if it was a motion to extend the bureaucracy. Baxter said it is to approve the book, which will continue to grow with documents and help us develop a better plan so when a catastrophe does hit our City that we have a plan, that we have guys in place and equipment in place to take care of problems such as chemical spills, terrorist attacks, and Vincent has been helping look at the plan to make sure it is a legal document and it is now so it can be approved.

VOTE ON MOTION: AYE: Baxter, Bass, Hanna, Devine, Ewing-Holmstrom, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

23. Consider an ordinance amending Sections 20-206 and 20-207 and Figure 1, Chapter 20, Lawton City Code, modifying the standards for street cuts and repairs. Exhibits: Ordinance No. 02-____.

Bob Bigham, City Planner, said this was generated from the Mayor's Task Force and it relates to a paving cut detail. This was stricken from the last Council agenda to be reconsidered by the Mayor's Task Force. On May 22 the Mayor's Task Force reviewed it again and supports the ordinance with the cross section in the packet. The major change is with a concrete patch job it requires dowling, reduces the concrete strength and other items mentioned in the commentary.

Shanklin asked Devine if this was what they wanted. Devine said evidently it is what the task force wanted but he had to leave the meeting early that day. Devine said the requested actions seemed extreme to him. Exact requirements were discussed, as well as the City and contractors having to follow the same standard.

MOVED by Devine, SECOND by Haywood, to table the item and send it back to the Task Force. AYE: Bass, Devine, Shanklin, Moeller, Haywood, Baxter. NAY: None. OUT: Hanna, Ewing-Holmstrom. MOTION CARRIED.

24. Consider adopting a resolution calling for an annual minimum utility rate adjustment based on the increases of the Consumer Price Index. Exhibits: Resolution No. 02-97.

Baxter said he requested this item to help future Councils have a better time doing the budget, and if this would have been done ten years ago, the budget would likely not be so much of a problem this year. He said this allows the City to address cost issues which are shown in the Consumer Price Index. Baxter said the cost of goods for the City goes up so it requires more revenue, and it will allow budgets to be balanced in future years and have revenue raised slowly without hitting the taxpayer with a \$5 or \$8 increase at one time. He said if two years from now the Consumer Price Index goes up 2% and the average water bill is \$40, it would increase a water bill by eighty cents, which people can handle every now and then much better than \$5 or \$8.

MOVED by Baxter, SECOND by Ewing-Holmstrom, to adopt the resolution calling for an annual minimum utility rate adjustment based on the increases of the Consumer Price Index.

Shanklin asked if it has anything to do with the current rates and Baxter said no, it has nothing to do with the current rate or the water rate committee studies, it is only for future years and not this year. Baxter said next year the Consumer Price Index may go up one or two percent and the utility rates could be matched.

Devine said it is back to raising the utility rates and asked if they could do this any time they wanted to, or if it would be voted on by the Council. Vincent said the resolution provides that it is policy direction to staff to consider the Consumer Price Index in annually determining whether utility rates should be adjusted; rates are adjusted by approval of the Council and the Water Authority by amending Appendix A of the City Code and any rate increase would have to be approved by the Council; it just gives guidance to staff on what to consider. Baxter agreed. Mayor Powell said for clarification purposes, should the water study committee come up with recommendations, this would not be in addition to that and Baxter said no.

Devine said last night he did not get to finish his conversation; he was not in favor of any utility rate increase and wanted that understood, that was just a suggestion last night, that the people out there, if you will get everyone's rates up to the same, and we will not do that because it has already been agreed on, more or less, it will be recommended, but he knew it was not the answer to all and that we had to come up with money somewhere but could not understand why any time we wanted to get money in this City, the first thing we reach out for is utility rates and stick it to the poor old residents and raise their rates and forget those outside. He said he will not support it.

Mayor Powell said he thought Devine announced to the audience last night that he would support. Devine said he never got to finish because his was if you will raise everybody's rate to the same, he would support a rate increase, but not for the citizens to have to pay three times what somebody else does that is below the cost, that was his complaint, and he said that was the only way he would support a rate increase, that everybody pay an equal price. Mayor Powell said that was what he understood Devine to say last night. Devine said he just wanted it clear.

Haywood asked if the water study committee would make a recommendation to the Water Authority or to the City Council. Mayor Powell asked that the consideration be directed toward this item and said people have asked to speak to the water rate increase on this item here and he could not do that as it is listed.

Hanna asked if this is approved, next year when the Consumer Price Index is out and the budget considered, a rate increase would not be automatic but would still require Council approval. Response was that it is not automatic and Council approval is required.

VOTE ON MOTION: AYE: Hanna, Ewing-Holmstrom, Shanklin, Moeller, Baxter, Bass. NAY: Devine, Haywood. MOTION CARRIED.

(Title) Resolution No. 02-97

A resolution providing policy direction to recommend annual minimum utility rate adjustments based on the increases of the Consumer Price Index.

ADDENDUM:

1. Consider the following damage claim recommended for denial: Ken and Marcia Baden. Exhibits: Legal Opinion/Recommendation. (Res 02-98)

Vincent said the claim is for \$431 for damage to a sprinkler system caused by repair of the storm sewer pipe on Cheswick in Wyatt Acres. Pursuant to Code, the sprinkler system was in the right-of-way so we have to recommend denial and it is totally up to the Council.

Mayor Powell said he talked to Vincent at length on this, personally went out there and he was very familiar with the collapse of the line. He said he went because the City had equipment on Mr. Baden's lawn, we tore the curb and guttering out and replaced it, as well as the sidewalk we tore out and the mail box, we replaced that. Mayor Powell said we tore out his sprinkler system and even though it was in the right-of-way, as the sidewalk, mail box and curb and gutter were that have all been replaced, then this appeared here. He said Mr. Baden called him and he encouraged him to file this claim and said he hoped the Council would support it because it was no fault of Mr. Baden's whatsoever.

MOVED by Shanklin, SECOND by Moeller, to approve the claim and Resolution No. 02-98. AYE: Devine, Shanklin, Moeller, Haywood, Bass, Hanna. NAY: None. ABSTAIN: Ewing-Holmstrom, Baxter. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood invited the public to the Juneteenth Celebration on Saturday from 5:30 to 9 p.m. at O.H. Arnold Park and Patterson Center.

Ewing-Holmstrom encouraged participation in the June 19 City of Lawton Blood Drive.

BUSINESS ITEM:

25. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss possible litigation involving the collapsed storm drain located in Cheswick Avenue, and, if necessary, take action in open session. Exhibits: None.

26. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for an Employment Agreement for FY 2002-2003 between IUPA, Local 24, and the City of Lawton, and take appropriate action in open session if necessary. Exhibits: None.

MOVED by Hanna, SECOND by Baxter, to convene in executive session as shown on the agenda and recommended by the legal staff. AYE: Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 7:45 p.m. and reconvened in regular, open session at approximately 8:00 p.m. with roll call reflecting all members present.

Vincent read the title of Item 25 stating the Council entered into executive session. He said it was the recommendation of the City Attorney's Office on Cheswick that Council consider a motion stating the City Attorney should take no further action and notify the affected parties that we will close this case.

MOVED by Devine, SECOND by Hanna, to approve the City Attorney's recommendation. AYE: Ewing-Holmstrom, Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine. NAY: None. MOTION CARRIED.

Vincent read the title of Item 26 stating the Council entered into executive session. He said Council discussed this item and received a briefing on the proposals presented to the City by the IUPA, Local 24 and it is staff's recommendation that the proposal be denied and the IUPA Local 24 be so notified at tomorrow morning's negotiation session.

MOVED by Devine, SECOND by Moeller, to approve the City Attorney's recommendation. AYE: Shanklin, Moeller, Haywood, Baxter, Bass, Hanna, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

Mayor Powell said Virginia McComas called the office this afternoon voicing her support for the City's branch library. He said at 5 p.m. on Thursday, June 13, we would hopefully hold the final budget workshop.

There being no further business to consider, the meeting adjourned at 8:05 p.m. upon motion, second and roll call vote.